

## Board of Zoning Adjustment Application

757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: BZA16-086 Date Received: 7 JUNE 2016  
Application Accepted by: [Signature] Fee: \$1900  
Commission/Civic: NORTH CITY AC  
Existing Zoning: \_\_\_\_\_  
Comments: \_\_\_\_\_

**TYPE(S) OF ACTION REQUESTED** (Check all that apply):

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections:

Applicant requests a variance from Columbus City Code §3312.49(C), Parking Requirements Table, as the additional 129 proposed spaces exceeds the maximum for this property.

From 259 to 388  
(264 ALLOWED)

**LOCATION**

Certified Address: 3408 Morse Crossing City: Columbus Zip: 43219

Parcel Number (only one required): 010-281337

**APPLICANT** (If different from Owner):

Applicant Name: VSP Ceres, Inc. Phone Number: 916-851-5140 Ext.: \_\_\_\_\_

Address: 3333 Quality Drive City/State: Rancho Cordova, CA Zip: 95670

Email Address: joego@vsp.com Fax Number: 916-851-4917

**PROPERTY OWNER(S)** ☐ Check here if listing additional property owners on a separate page

Name: MORSO Holding Co., c/o J. Theodore Smith Phone Number: 614-464-6232 Ext.: \_\_\_\_\_

Address: Three Limited Parkway City/State: Columbus, OH Zip: 43230

Email Address: jsmith@vorys.com Fax Number: (614) 719-5024

**ATTORNEY / AGENT** (Check one if applicable): ☒ Attorney ☐ Agent

Name: Gregory J. Lestini Phone Number: 614-227-4893 Ext.: \_\_\_\_\_

Address: Bricker & Eckler LLP, 100 S. Third Street City/State: Columbus Zip: 43215

Email Address: glestini@bricker.com Fax Number: \_\_\_\_\_

**SIGNATURES** (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY / AGENT SIGNATURE [Signature]

**PLEASE NOTE: Incomplete information will result in the rejection of this submittal.**

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

**Please make checks payable to the Columbus City Treasurer**

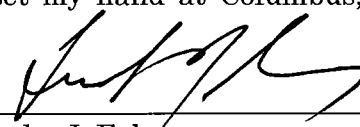
## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That MORSO Holding Co., Three Limited Parkway, Columbus, Ohio 43230 ("MORSO"), a Delaware Corporation, does hereby make, constitute and appoint Gregory J. Lestini of Bricker & Eckler, LLP, 100 S. Third Street, Columbus, Ohio 43215-4291, acting as Attorney for VSP Ceres, Inc., 3333 Quality Drive, Rancho Cordova, CA, 95670 ("VSP"), a Delaware Corporation, its true and lawful attorney-in-fact, for MORSO and in MORSO's name, place and on MORSO's behalf, to execute, submit, deliver, file, prosecute and pursue from the City of Columbus, an application for a parking variance at 3408 Morse Crossing, Columbus, Ohio ("Property") pursuant to Columbus Code Section 3312.49 and to do such other things as are necessary or appropriate to obtain such variance with respect to the Property.

MORSO's attorney-in-fact shall have all authority generally to do and perform all matters and things, transact all business, make, execute, acknowledge and deliver all applications, contracts, orders, affidavits, disclosure statements, waivers, and all other writing and instruments of every kind, which may be requisite or proper to obtain the variance, with the same powers, and to all extents and purposes, with the same validity as MORSO could, if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorney or any substitutes appointed by my said attorney, shall lawfully do, or cause to be done, by virtue hereof.

Pursuant to Section 1337.09 of the Ohio Revised Code, this Power of Attorney shall not be affected by the disability, incapacity, or adjudged incompetency of the principal or by the lapse of time.

31<sup>st</sup> IN WITNESS WHEREOF, I have hereunto set my hand at Columbus, Ohio, this day of MAY, 2016.

  
\_\_\_\_\_  
Timothy J. Faber  
MORSO Holding Co.,  
Its: Senior Vice President

STATE OF OHIO; COUNTY OF FRANKLIN : SS.

Be it remembered that on this 31<sup>st</sup> day of May, 2016, before me, the subscriber, a Notary Public in and for said county, personally came the above-named Timothy J. Faber, Senior Vice President of MORSO Holding Co., the person whose name is subscribed to the foregoing Power of Attorney and acknowledged the signing of the same to be the voluntary act and deed of such person in his capacity as Senior Vice President of, and on behalf of, MORSO Holding Co., for the uses and purposes therein set forth.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

  
\_\_\_\_\_  
Notary Public

This instrument was prepared by:  
Gregory J. Lestini, Esq., Bricker & Eckler LLP,  
100 South Third Street, Columbus, Ohio 43215



**JEANINE T. BROWN**  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission  
Expires  
March 8, 2017

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### AFFIDAVIT

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Gregory J. Lestini

of (1) MAILING ADDRESS Bricker & Eckler LLP, 100 S. Third Street, Columbus, Ohio 43215

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 3408 Morse Crossing, Columbus, Ohio 43219

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) MORSO Holding Co.  
Three Limited Parkway  
Columbus, Ohio 43230

APPLICANT'S NAME AND PHONE #  
(same as listed on front application)

VSP Vision Care c/o Joe Golgosky  
916-851-5140

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR  
OR CONTACT PERSON AND ADDRESS

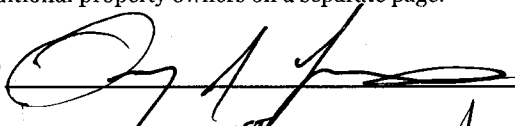
(5) Northeast Area Commission  
Alice Porter  
3130 McCutcheon Place, Columbus, Ohio 43219

and that the following is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER NAME	(6a) PROPERTY ADDRESS	(6b) PROPERTY OWNER MAILING ADDRESS
<u>See attached</u>		

☒ (7) Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 1st day of June, in the year 2016

Rose Marie Del Signore  
(8) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here  
My Commission Expires 11/23/19



Rose Marie Del Signore  
Notary Public, State of Ohio  
My Commission Expires November 23, 2019

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### EXAMPLE LABEL SET

#### APPLICANT

ACME Inc.  
c/o Brad Clark  
555 Main Street  
Anytown, USA 10000

#### PROPERTY OWNER

Jeffrey Jackson  
430 Main Street  
Anytown, USA 10000

#### ATTORNEY

John W. Smith  
Law Office LP  
123 Main Street  
Anytown, USA 10000

#### AREA COMMISSION OR NEIGHBORHOOD GROUP

Civic Group  
c/o Zoning Chair Person  
100 Main Street  
Anytown, USA 10000

#### SURROUNDING PROPERTY OWNERS

Jeffrey Johnson  
430 Main Street  
Anytown, USA 10000

Robert Miller  
425 Main Street  
Anytown, USA 10000

Jane Lewis  
429 Main Street  
Anytown, USA 10000

Country Snaps LP  
c/o Shopping Centers Inc.  
355 Town Street  
Anytown, USA 10000

Joel and Carla Nelson  
434 Main Street  
Anytown, USA 10000

Susan Griffin  
505 High Street  
Anytown, USA 10000

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### STATEMENT OF HARDSHIP

APPLICATION #

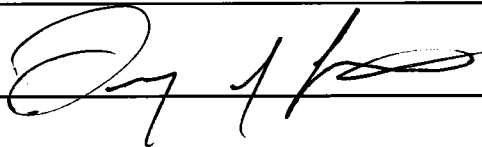
#### **3307.09 Variances by Board.**

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
  2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. The special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. The grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

**I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:**

See attached.

Signature of Applicant



Date

6/1/16

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## STATEMENT OF HARDSHIP

VSP Ceres, Inc.

3408 Morse Crossing, Columbus, Ohio

Parking Variance

Applicant VSP Ceres, Inc. ("VSP") respectfully requests relief from the requirements of the Zoning Code §3312.49 as to the maximum parking spaces allowed for a call center ("customer service center") located at 3408 Morse Crossing, Columbus, Ohio 43219, and avers that its application for relief satisfies the four criteria for a dimensional variance as follows:

### Special circumstances exist for the expansion of parking at the subject site.

VSP avers that there is a need to expand parking for the existing facility at 3400 Morse Crossing because of an increase in business and expansion of its customer service operations at the site to provide adequate parking for turnover in those employees serving its customer base and to provide ample parking for visitors. Parking will expand from the current 259 spaces to 388 total spaces. This represents a net increase of 129 parking spaces.

**Background Facts:** With the growth of VSP's Columbus operations, the existing space has been used increasingly for a customer service center - answering questions about covered services and materials and to respond to doctor inquiries. VSP has leased office space in another building in the Easton area and moved other employees to that location. VSP is now building out the 1<sup>st</sup> floor of 3400 Morse Crossing for more customer service personnel. The maximum allowable spaces for the facility is 264. The current parking lot includes 259 spaces and with the additional 129 spaces, VSP's total parking capacity will be 388.

The parking lot will meet the needs of an increased number of employees that will be working at this location. Special circumstances exist because the company wants to remain at the location but will have a greater number of employees on-site rotating through shifts for the service center. The additional spots will not sit vacant for extensive, seasonal periods throughout the year. It will be used consistently for the employees and visitors of VSP. An expansion of the existing parking is the logical solution to this problem and that solution cannot be remedied through other means.

The property is located in the Easton area, in an office park designed to attract and expand businesses through new buildings, state of the art facilities and ample parking. VSP's current location at 3400 Morse Crossing is perfect for their customer service center and they want to remain on the property, and in Columbus, generally. The adjacent site allows for expansion of their current parking lot and creates a complementary addition to their current parking. In addition, this variance would be necessary regardless of location because of Code §3312.49 and its accompanying table setting maximum parking spots to building square feet. This variance will not injure or disrupt neighboring property or persons as the site is located in a commercial office park and there is vacant land surrounding the proposed parking.

**Conclusion:** VSP's business is growing and the company has been fortunate to find the space and the talent in Columbus to expand its operations. In order to accommodate a growing customer service center workforce on the site, additional parking is needed in excess of the maximum number of spaces set by Columbus City Code. Applicant is respectfully requesting a variance from Code §3312.49 to relieve this hardship and allow for the expansion and growth of VSP in the city.

Respectfully submitted,



Gregory J. Lestini

Bricker & Eckler LLP

100 South Third Street

Columbus, OH 43215

Ph: 614.227.4893

E-mail: glestini@bricker.com

Counsel, VSP Ceres, Inc.

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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Gregory J. Lestini  
of (COMPLETE ADDRESS) Bricker & Eckler LLP, 100 South Third Street, Columbus, Ohio 43215  
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following  
is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of  
this application and their mailing addresses:

**NAME**

**COMPLETE MAILING ADDRESS**

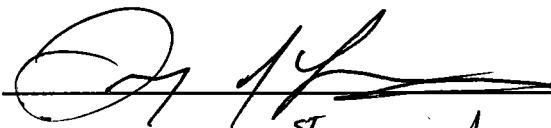
VSP Ceres, Inc.

3333 Quality Drive, Rancho Cordova, CA 95670

MORSO Holding Co.

Three Limited Parkway, Columbus, Ohio 43230

SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 1<sup>ST</sup> day of June, in the year 2016



SIGNATURE OF NOTARY PUBLIC

11/23/19  
My Commission Expires

Notary Seal Here



RoseMarie DeSignore  
Notary Public, State of Ohio  
My Commission Expires November 23, 2019

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# City of Columbus Zoning Plat



## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010281337

Zoning Number: 3408

Street Name: MORSE CROSSING

Lot Number: N/A

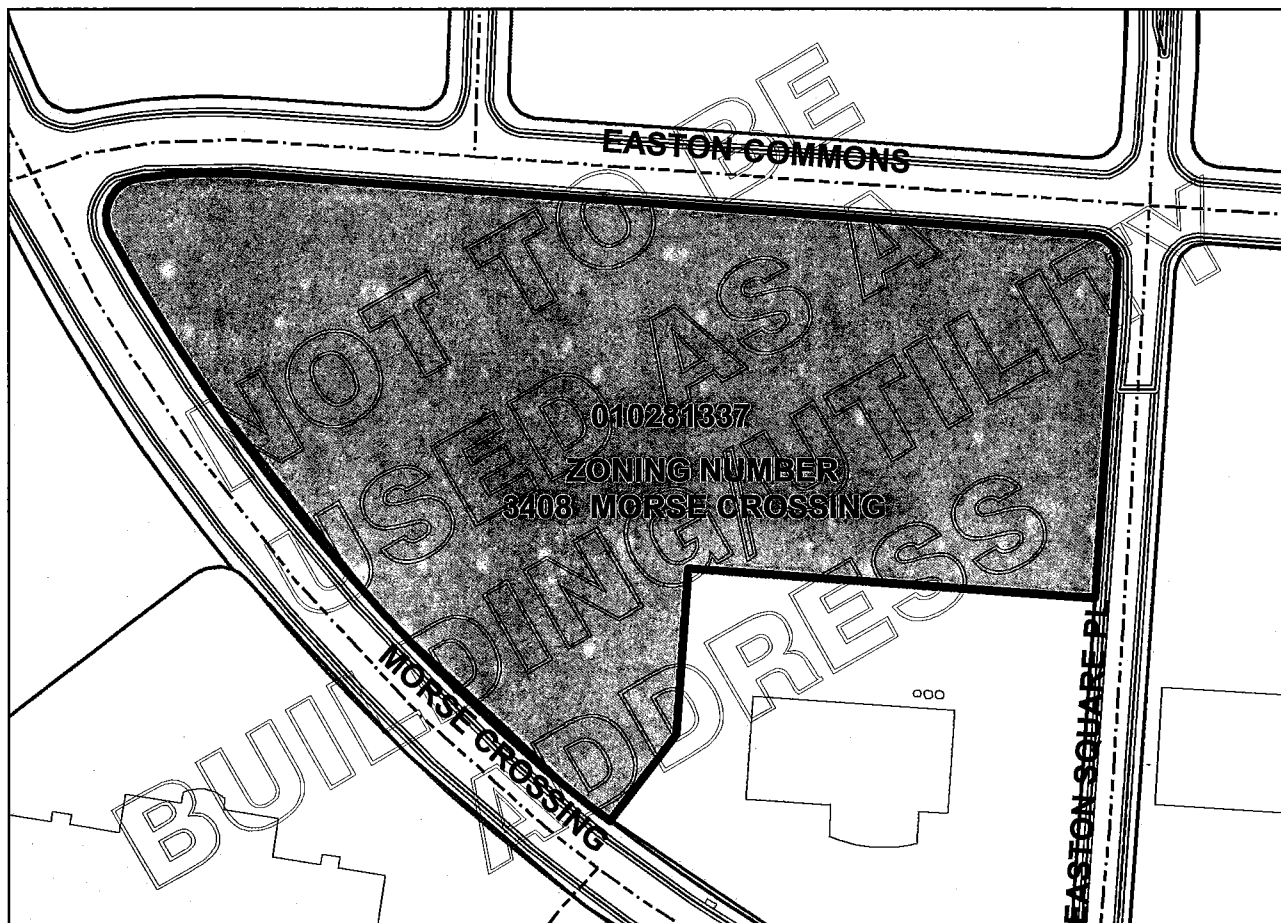
Subdivision: N/A

Requested By: BRICKER & ECKER, LLP (GREGORY LESTINI)

Issued By:

*Gregory Lestini*

Date: 5/9/2016



JAMES D. YOUNG, P.E., ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 64115

### Legal Description of Property

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Quarter Township 2, Township 2, Range 17, United States Military Lands, and being 1.410 acres out of 9.523 acre tract as conveyed to Morso Holding Co., as recorded in Instrument Number 201501080002834, Franklin County Recorder's Office, said 1.410 acre tract being further described as follows:

Beginning for reference at a  $\frac{3}{4}$ " iron pin located at the intersection of the centerlines of Easton Commons (80' wide) and Easton Square Place (60' wide), as shown on the plat of Chagrin Drive, Easton Commons, Easton Loop East, Easton Loop West, and Easton Square Place Dedication and Easements as recorded in Plat Book 93, Pg. 3, said iron pin being referenced by a found  $\frac{3}{4}$ " iron pin at the intersection of the centerline of said Easton Commons and Easton Loop West located N 85°56'38" W, 710.22';

Thence S 04°03'20" W, 407.85' along the centerline of said Easton Square Place, to a point;

Thence N 85°56'42" W 455.06', (passing the west line of said Easton Square Place at 30.00'), along the south line of said 9.523 acre tract, being the north line of a 4.141 acre tract as conveyed to VSP Ceres, Inc., as recorded in Instrument Number 201201060002692, to a  $\frac{3}{4}$ " iron pipe found with cap stamped "EMHT INC" said iron pipe being the True Place of Beginning for the herein described 1.410 acre tract;

Thence S 04°02'55" W, 172.98', along the west line of said 4.141 acre tract, to a  $\frac{3}{4}$ " iron pipe found with cap stamped "EMHT INC";

Thence S 37°29'02" W, 116.27', along the west line of said 4.141 acre tract, to a  $\frac{3}{4}$ " iron pipe found with cap stamped "EMHT INC", said iron pipe being the southwest corner of said 1.410 acre tract and being the southeast corner of said 9.523 acre tract, said iron pipe being in the easterly line of Morse Crossing (width varies P.B. 79, Pg. 78 & P.B. 86, Pg. 56);

Thence along the east line of said Morse Crossing, being the west line of said 9.523 acre tract, a curve to the right having a radius of 1955.00' an arc length of 424.07', a delta angle of 12°25'43", a chord bearing and distance of N 46°18'46" W, 423.24' to an iron pin set;

Thence S 85°57'05"E, 389.99', crossing said 9.523 acre tract, along a new division line, to the true place of beginning, containing 61434 square feet 1.410 acres, more or less, subject to all legal easements and right of ways of record.

Bearings are based on the centerline of said Easton Commons as being N 85°56'38" W based on GPS observations using the State of Ohio Department of Transportation VRS System, the State Plane Coordinate System, Ohio South Zone, North American Datum, of 1983, also known as NAD83 (2011 Adjustment). All iron pins set are 5/8" rebar, 30" long with yellow plastic cap stamped "J & J Surveying". All references to documents are recorded in the Franklin County Recorder's Office. This description is based on an actual field survey performed by J & J Surveying under the direction of John W. Wetherill, P.S. 7811, in March 2016.



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: N

DATE: 4/21/16



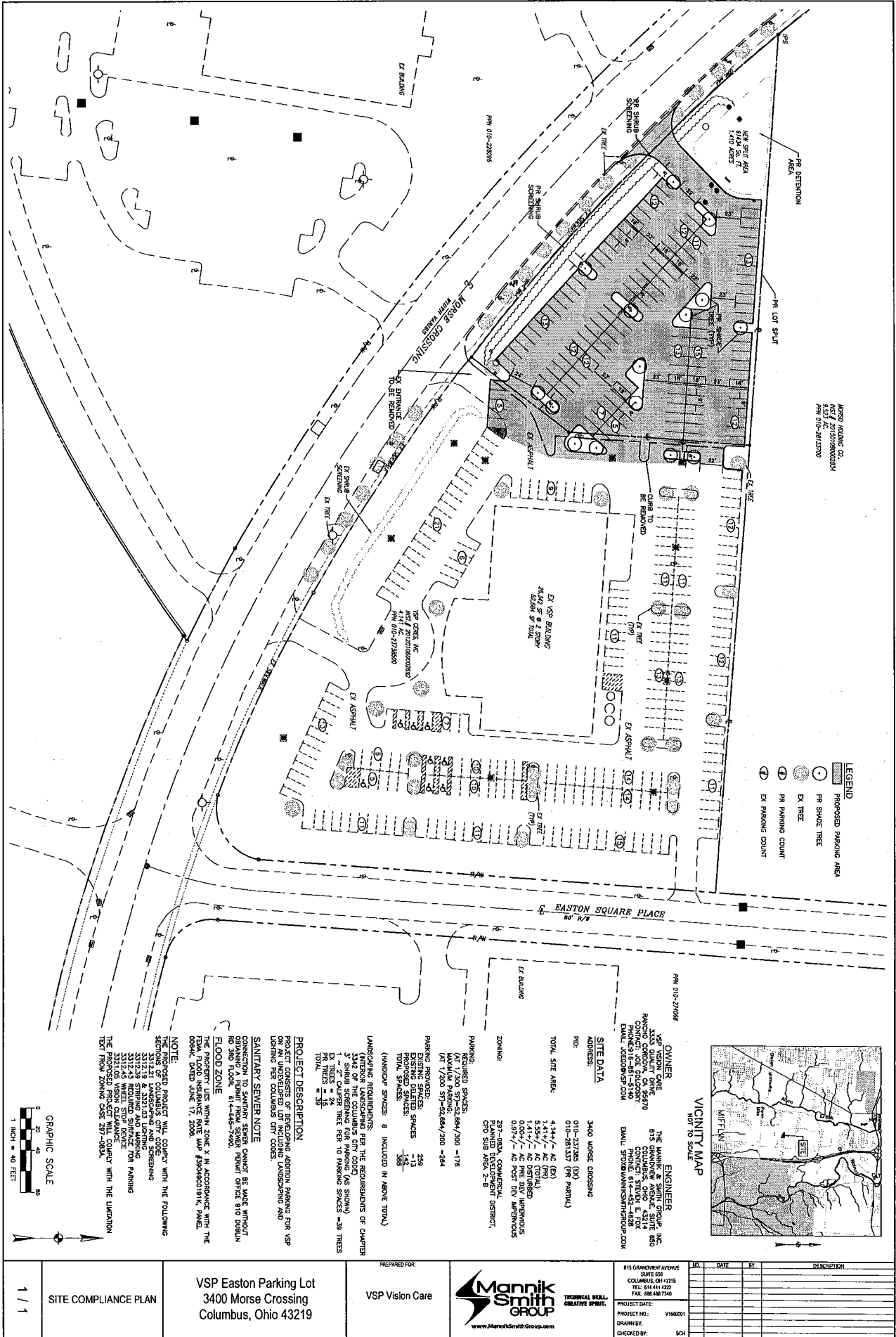
Disclaimer

Scale = 200

Grid North

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department



## Standardized Recommendation Form

757 Carolyn Avenue, Columbus, Ohio 43224  
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**FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW**

Case Number

Address

Group Name

Meeting Date

Specify Case Type

- ☐ BZA Variance / Special Permit  
☐ Council Variance  
☐ Rezoning  
☐ Graphics Variance / Plan / Special Permit

Recommendation

(Check only one)

- ☐ Approval  
☐ Disapproval

**NOTES:**

Vote

Signature of Authorized Representative

Recommending Group Title

Daytime Phone Number

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.

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